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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

SCOTT SALYER, individually, and as
Trustee of the Scott Salyer Revocable Trust,

Plaintiff,
vs.

SALYER AMERICAN FRESH FOODS; FRED SALYER; LINDA SALYER LEE, INDIVIDUALLY AND AS Trustee of the Linda Salyer Lee Revocable Trust; THOMAS WELCH; DONALD BLODGETT; and LAWRENCE RYAN,

Defendants.

No. C 05-3562 JW (RS)

**STIPULATION TO CONTINUE HEARING
ON DEFENDANTS' JOINT MOTION TO
DISMISS FIRST AMENDED COMPLAINT**

Before the Honorable James Ware

[Local Rules 6-1(a) & 7-7(b)(1)]

The undersigned parties hereby stipulate that the hearing on Defendants' Joint Motion to Dismiss First Amended Complaint [Document #146] currently set for hearing on February 12, 2007 at 9:00 a.m. be continued and set for hearing on March 12, 2007 at 9:00 a.m. The parties have not previously stipulated to continue the hearing date.

IT IS SO STIPULATED:

DATED: January 23, 2007

GORDON & REES LLP

By /s/ Brian P. Maschler
Brian P. Maschler, Attorneys for Plaintiff

DATED: January 23, 2007

GRUNSKY, EBEY, FARRAR & HOWELL

By /s/ Rebecca Connolly

Rebecca Connolly, Attorneys for Defendant
Salyer American Fresh Foods

DATED: January 23, 2007

FOLEY, BEZEK, BEHLE & CURTIS

By /s/ Thomas G. Foley

Thomas G. Foley, Attorneys for Defendants Linda
Salyer Lee and Fred Salyer

DATED: January 23, 2007

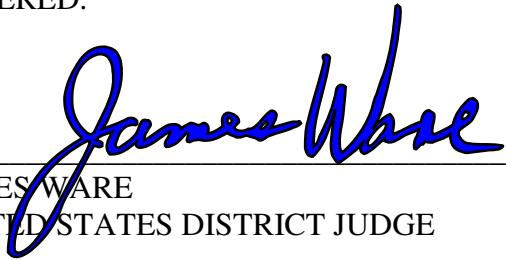
SPIERING, SWARTZ & KENNEDY

By /s/ Andrew H. Swartz

Andrew H. Swartz, Attorneys for Defendants
Thomas Welch, Donald Blodgett and Lawrence
Ryan

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: January 24 2007


JAMES WARE
UNITED STATES DISTRICT JUDGE

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Rebecca Connolly, attest that concurrence in the filing of this document has been obtained from each of the other signatories.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 23rd day of January, 2007, at Watsonville, California.

By: /s/ *Rebecca Connolly*